

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHANE HYATT,
Plaintiff,

vs.

**9:16-CV-528
(TJM/TWD)**

THOMAS L. LAVALLEY, et al.,

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this 42 U.S.C. § 1983 case, which alleges violations of Plaintiff's constitutional rights during his incarceration, to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The August 2, 2018, Report-Recommendation, dkt. # 59, recommends that Defendant Thomas LaValley's motion for summary judgment be granted with prejudice. Magistrate Judge Dancks finds that no evidence indicates that LaValley had any personal involvement in the constitutional violations alleged in Plaintiff's Amended Complaint. Magistrate Judge Dancks also recommends that the Court dismiss any remaining claims against the John and Jane Doe Plaintiffs for failure to diligently litigate.

Plaintiff did not object to the Report-Recommendation, and the time for filing

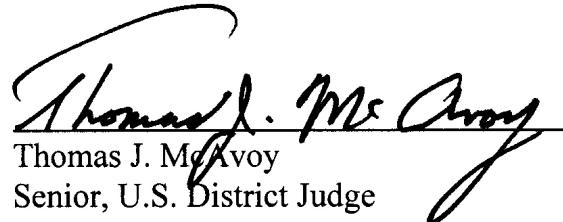
objections has passed.¹ After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation of Magistrate Judge Dancks for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Dancks, dkt. # 59, is hereby **ACCEPTED** and **ADOPTED**. Defendant LaValley's motion for summary judgment, dkt. # 47, is hereby **GRANTED** and the case against him is **DISMISSED WITH PREJUDICE**. The Plaintiff's remaining claims against the John and Jane Doe Plaintiffs is hereby **DISMISSED WITH PREJUDICE** for failure to diligently litigate. The Clerk of Court is directed to **CLOSE** the case.

IT IS SO ORDERED.

Dated: September 17, 2018



Thomas J. McAvoy
Senior, U.S. District Judge

¹Plaintiff moved for an extension of time to file objections. See dkt. # 60. The Court granted that motion, but Plaintiff did not file any objections within the time allotted. See dkt. # 61.